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1 UNITED STATES DISTRICT COURT  
1 SOUTHERN DISTRICT OF NEW YORK  
2 -----x  
2  
3 UNITED STATES OF AMERICA,  
3  
4 v. 04 CR 356 (JFK)  
4  
5 OUSSAMA ABDULLAH KASSIR,  
5 a/k/a "Abu Abdullah,"  
6 a/k/a "Abu Khadija,"  
7 Defendant.  
7  
8 -----x  
8  
9 New York, N.Y.  
9 April 21, 2009  
10 10:10 a.m.  
11  
11 Before:  
12  
13 HON. JOHN F. KEENAN,  
14  
14 District Judge  
15  
15  
16 APPEARANCES  
16  
17 LEV L. DASSIN  
17 Acting United States Attorney for  
18 the Southern District of New York  
18 MICHAEL FARBIARZ  
19 ERIC BRUCE  
19 Assistant United States Attorneys  
20  
20 DAY PITNEY, LLP  
21 Attorneys for Defendant  
21 EDGARDO RAMOS  
22 -and-  
22 MARK DeMARCO  
23  
24 ALSO PRESENT:  
25 SIMA NABULSI, Interpreter (Arabic)  
FOUAD ELSHIEKH, Interpreter (Arabic)  
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1 AFTERNOON SESSION

2 2:20 p.m.

3 (In open court; jury present)

4 THE COURT: Good afternoon, everyone. Your first  
5 witness, please.

6 MR. BRUCE: Thank you, your Honor. The government  
7 calls Evan Kohlmann.

8 THE COURT: All right. Good afternoon, Mr. Kohlmann.  
9 Mr. Kohlmann, before you're sworn I am going to tell you that  
10 like very good football teams, some of the lawyers scout  
11 people, some of the court reporters do too. Would you speak  
12 slowly. You have a reputation of speaking somewhat quickly.  
13 So take your time and speak nice and loud.

14 THE WITNESS: Of course, your Honor. Thank you very  
15 much.

16 THE COURT: That's not intended in way to disparage  
17 you but be sure you speak slowly. Swear the witness, please.

18 (Witness sworn)

19 THE DEPUTY CLERK: State your full name and spell your  
20 name for the record.

21 THE WITNESS: Yes. My name is Evan F. Kohlmann.  
22 E-V-A-N F K-O-H-L-M-A-N-N.

23 EVAN F. KOHLMANN,  
24 called as a witness by the Government,  
25 having been duly sworn, testified as follows:

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1 DIRECT EXAMINATION  
2 BY MR. BRUCE:  
3 Q. Mr. Kohlmann, how old are you?  
4 A. I'm 30 years old.  
5 Q. Do you have a college degree?  
6 A. Yes, I do.  
7 Q. Where did you do your undergraduate study?  
8 A. I did my undergraduate studies at the Edmund A. Walsh  
9 School of Foreign Service at Georgetown University in  
10 Washington D.C.  
11 Q. Can you tell us briefly what the focus of the curriculum is  
12 at the Georgetown School of Foreign Study?  
13 A. Yes. The focus of the curriculum at Georgetown, at the  
14 SFS, is international relations and international foreign  
15 policy.  
16 Q. What is your degree in?  
17 A. My specific degree is in international politics with a  
18 focus on international security studies.  
19 Q. Do you have a minor or the equivalent of a minor from  
20 Georgetown?  
21 A. I have the equivalent of a minor.  
22 Q. Can you explain what that is.  
23 A. Yes. At Georgetown University, the school offers students  
24 at the School of Foreign Service an opportunity to pursue  
25 particular areas of study that the school specializes in. One

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2 of those areas is Islam and Muslim Christian understanding.  
3 Georgetown has a specific school that's known as the Prince Al  
4 Waleed Bin Talal Center for Muslim Christian Understanding. I  
5 have a degree in Islam and Muslim Christian understanding, a  
6 certificate degree, from the SMCU.  
7 Q. Thank you. Did you do an honors thesis before you  
8 graduated?  
9 A. Yes, I did.  
10 Q. Briefly what was that about?  
11 A. The title of my honors thesis which was in international  
12 politics at Georgetown, was The Legacy of the Arab Afghans, A  
Case Study.  
13 Q. Do you have a graduate degree, sir?  
14 A. Yes, I do.  
15 Q. What is your graduate degree?  
16 A. I have a juris doctorate, or a J.D. in law from the  
17 University of Pennsylvania Law School.  
18 Q. Are you familiar with something called The Investigative  
19 Project?  
20 A. Yes.  
21 Q. Can you tell us what that is?  
22 A. The investigative project is a Washington D.C. based think  
23 tank and counter-terrorism policy group which was founded in  
24 approximately 1995 by a former CNN journalist.  
25 Q. When you say think tank, what does that mean?

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1 A. A think tank is an organization which conducts non-profit  
2 research into particular policy areas which are relevant either  
3 to legislatures or to law enforcement or others in government.  
4 The idea here is that we have a group of people whose job it is  
5 to think and to reason on specific issues that most people,  
6 there isn't simply money to pay for that kind of research, even  
7 though it may be relevant in many different areas.

8 Q. Did you work there?

9 A. Yes, I did.

10 Q. From when to when did you work there?

11 A. I began working at The Investigative Project in  
12 approximately January of 1998. And I left The Investigative  
13 Project in December of 2003.

14 Q. What was your title when you left The Investigative  
15 Project?

16 A. My title when I left The Investigative Project was senior  
17 terrorism analyst.

18 Q. Can you briefly describe for us what you did as a senior  
19 terrorism analyst at that association?

20 A. Yes. It was my job working at The Investigative Project to  
21 collect open source research on terrorist organizations,  
22 terrorist leaders and terrorist recruitment strategies, among  
23 other things, including terrorist financing. And then to take  
24 that open source research and distill that down into  
25 Congressional testimonies, unclassified memorandum, newspaper

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1 articles, news stories on television, anything that would help  
2 policy makers, academics, law enforcement, anyone with an  
3 interest in this learn more about this subject.  
4 Q. Are you currently employed?  
5 A. Yes.  
6 Q. How are you currently employed?  
7 A. At present I run a small business, a consulting firm, which  
8 provides terrorism research services.  
9 Q. How long have you run this consulting firm?  
10 A. I have run this firm since approximately January of 2004.  
11 Q. Do you operate a Web site?  
12 A. Yes, I do.  
13 Q. What's your Web site?  
14 A. The Web site from my consulting firm is known as  
15 Globalterroralert.com.  
16 Q. How would you describe your Web site?  
17 A. My Web site is specifically labeled as an information  
18 clearing house for policy makers, academics and law  
19 enforcement. The idea behind setting up the Web site was to  
20 allow others to get a look at the research that I'm doing  
21 presently, and also to get a look at the nuts and bolts of  
22 terrorism and counter-terrorism. Some of the original  
23 documents, the original videos, the original materials that  
24 help researchers get a better idea about what's really going on  
25 inside these organizations and between various different

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1 leaders of the organizations.

2 Q. What kind of services do you provide in your current  
3 consulting firm?

4 A. Well, number one, I provide research in terms of I turn up  
5 original information, original pieces of evidence that are  
6 necessary, whether it is audio recordings or video recordings  
7 or communiqus. I have a massive database where I collect all  
8 this material. And then eventually, if I'm asked, then I take  
9 this material, and I either combine it with other evidence that  
10 I'm handed, or else I simply distill this into an expert  
11 report, a report that breaks down the various pieces of  
12 research that I collected and comes to a conclusion based upon  
13 that research.

14 Q. You mentioned before that you work with open sources. What  
15 are they?

16 A. Open sources are the opposite of classified sources.  
17 Classified sources would be gathered by intelligence agencies  
18 or intelligence agents in the field. It's not public. I deal  
19 with different kinds of research. I deal with information that  
20 is open. That is public. That is non-classified. In fact, it  
21 may be from sources that are available to almost anyone. But  
22 in some cases these sources are very difficult to get at. You  
23 have to know how to approach the source or you have to know how  
24 to reach the source in order to get the information.

25 One of the things that I specialize in is reaching the  
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1 sources of this information, getting this information, and then  
2 handing it over to people who it would be useful to.

3 Q. Can you give us some examples of different open sources  
4 that you work with?

5 A. Yes, of course. There are different types of sources, of  
6 open sources. There are better sources and there are worse  
7 sources. The best kind of source is known as a primary source.  
8 That would be if I personally go out and I interview the leader  
9 of a militant organization or a terrorist organization or  
10 someone who has been recruited by that group. If I go out and  
11 I personally witness an act of terrorism occurring.

12 Now, those kind of sources are not always available,  
13 especially in the world of terrorism, so we have to move on to  
14 other open sources as well. Another open source, type of open  
15 source that I rely on is known as a secondary source. This  
16 would be a video recording or an audio recording of the  
17 commander of a terrorist organization, or a communique issued  
18 by that group, or a video of its training camp. It may not be  
19 the same thing as actually being there and seeing it live, but  
20 certainly if you have a video recording evidence of something,  
21 if you have an audio recorded statement from someone, you can  
22 pretty much be sure that that person did say it. Especially if  
23 it comes from an authentic source.

24 Even then, there's other open sources as well.  
25 Sometimes in order to add extra detail to the kind of research

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1 we're doing, we'll go to magazines or newspapers, if they are  
2 authentic, if they're credible, and we'll use them to help  
3 flesh out detail. Obviously newspapers, magazines, those are  
4 not as reliable as primary or secondary sources. But they are  
5 interesting and they are helpful to get us -- for us to get a  
6 better understanding of not just what the organizations and the  
7 leaders of the groups are saying, but how others view them as  
8 well.

9 Q. Have you personally gone and interviewed leaders of  
10 terrorist organizations?

11 A. Yes.

12 Q. What type of product do you produce in your consulting  
13 firm?

14 A. Well, again, I generally produce -- I take original  
15 sources, and I provide those original sources, but then the  
16 point of what I'm doing is to provide expert analysis. So I'm  
17 asked to then review these various different items and distill  
18 this down into an expert report, where I cover the significance  
19 of the various different items, what they mean, and what  
20 conclusions can be drawn.

21 Q. Can you tell us just a sampling of the U.S. government  
22 agencies that you've worked with?

23 A. Yes. Sure. I've worked with the United States Department  
24 of Defense; I worked with the United States Department of  
25 Justice; I've worked with the Federal Bureau of Investigation;

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1 I've worked with the National Counter-terrorism Center; I've  
2 worked with the United States Department of Treasury; the  
3 Department of Homeland Security; the Internal Revenue Service.

4 Q. Can you give us some examples of international agencies  
5 that you've work with?

6 A. Yes. I work on a regular basis with the SO15  
7 counter-terrorism command at New Scotland Yard in London. I  
8 also work with the Crown Prosecution Service in the United  
9 Kingdom. I work with the Danish Intelligence Service, PET. I  
10 work with the Australian Federal Police. I work with the  
11 Commonwealth Prosecutors Office in Australia. I work with  
12 international prosecutors in Bosnia and at the Hague. Yeah.

13 Q. Currently, what is the focus, which organization is the  
14 focus of majority of your work?

15 A. In terms of terrorist organizations?

16 Q. Correct.

17 A. The primary organization is al Qaeda and its various  
18 different international affiliates.

19 Q. Do you know Arabic, Mr. Kohlmann?

20 A. Not fluently, although in order to study Islam you have to  
21 learn some Arabic because much of Islam is based upon the  
22 Arabic language.

23 Q. In addition to your consulting work, do you do any work  
24 with media organizations?

25 A. Yes.

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1 Q. Can you explain.  
2 A. I work as an on air analyst for NBC News, MSNBC. As part  
3 of my role with them, I'm expected to, number one, provide  
4 original documents relating to terrorism, so if the latest Bin  
5 Laden video comes out, I'm often the one that NBC goes to to  
6 find out what's being said in the video. In addition, I  
7 actually go on air and I discuss events that are occurring  
8 live. Different news stories, investigative news stories that  
9 NBC is doing, etc.

10 Q. During the course of your career, have you written any  
11 books or articles?

12 A. Yes.

13 Q. Can you explain what books you've written?

14 A. Yes. In 2004, I published a book in London titled Al  
15 Qaeda's Jihad in Europe, the Afghan Bosnia Network.

16 Q. Can you just estimate for us how many articles you've  
17 written over the years?

18 A. Dozens. I publish many articles on a regular basis, both  
19 through the clients that I work for and also through other  
20 organizations. Like, for instance, West Point here in New York  
21 produces a magazine known as the West Point Counter-terrorism  
22 Center Sentinel Magazine. I write articles for that, various  
23 other publications.

24 Q. Do you also do work with any non-profit organizations?

25 A. Yes.

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1 Q. Which one?  
2 A. I work as a senior analyst on behalf or -- excuse me, a  
3 senior investigator on behalf of an organization known as NEFA,  
4 9/11 finding answers.

5 Q. Can you tell us what the focus of that group is?  
6 A. The focus of NEFA is similar to what The Investigative  
7 Project does. It is a non-profit group which was founded to  
8 help support non-profit counter-terrorism research. The  
9 purpose of which is to provide this research to policy makers,  
10 academics, other non-profit organizations, law enforcement,  
11 international government, again, whoever can benefit from it.

12 Q. Now, have you been retained as an expert witness prior to  
13 this case?

14 A. Yes.

15 Q. In those instances, did you work as a consultant with the  
16 U.S. government or as a testifying expert witness?

17 A. Well, in the cases where I've been hired by the U.S.  
18 government, I've actually been hired for both purposes.

19 Q. What types of things did you do as a consultant when you  
20 didn't end up testifying?

21 A. Everything from interviewing cooperating defendants,  
22 reviewing evidence, reviewing trial strategies, assessing the  
23 significance of particular facts in cases, also reviewing  
24 computer evidence.

25 Q. Have you ever testified as a fact witness?

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1 A. Yes.

2 Q. How many times roughly have you testified as a fact witness  
3 on behalf of the government?

4 A. On behalf of the U.S. government?

5 Q. Correct.

6 A. I exclusively testified as a fact witness in one case on  
7 behalf of the U.S. government. However, very frequently there  
8 are aspects of my testimony which delve into factual testimony.

9 Q. How many times have you been admitted to testify as an  
10 expert witness in federal district court like this one?

11 A. Prior to this occasion I've been admitted 11 times.

12 Q. Generally speaking, what were some of the subject matters  
13 that you testified about in those 11 trials?

14 A. Al Qaeda, al Qaeda recruitment, history of al Qaeda,  
15 history of Lashkar-e-Taiba, Internet research with regards to  
16 terrorist organizations, internet Web sites used by terrorist  
17 organizations, propaganda and recruitment strategies used by  
18 terrorist organizations.

19 Q. Have you also testified as an expert in any military  
20 commission trials?

21 A. Yes.

22 Q. Where were those?

23 A. I've testified in two trials in the Guantanamo Bay military  
24 tribunals.

25 Q. Have you testified as an expert in any international

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1 Internet. It also happens that much like the Internet has  
2 given the word in general access to a lot more information  
3 about a lot of things, one of those subjects is terrorism and  
4 terrorist groups. Whereas in the past it's been very difficult  
5 to make direct contact with these organizations, with their  
6 recruiters and with the people that they are recruiting, the  
7 Internet allows us a much greater degree of contact. It allows  
8 us direct access to their propaganda and their recruitment  
9 strategies, even financing.

10 As a result, this is one of the more lucrative areas  
11 of research for counter-terrorism analysts. Not just here in  
12 the U.S., but around the world. It also happens that this is  
13 one of the areas that I have particularly focused in on since I  
14 began my research in approximately 1997.

15 Q. You mentioned earlier that you maintain a database. You  
16 run a database?

17 A. That's correct, yes.

18 Q. Can you give us an estimate of how many documents and files  
19 are in that database?

20 A. It is a fairly sizable database. I started creating it  
21 when I first started doing research in the field. Over the  
22 course of over 10 years, I've accumulated literally millions of  
23 documents. The actual database is approximately 1.5 terabytes  
24 in size. That's 1,500 gigabytes. To give you an idea, a DVD  
25 stores about five gigabytes. You are talking about literally

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2 almost a thousand DVDs' worth of information.  
3 Q. Have you ever been retained by the U.S. government  
4 specifically to assist with the analysis of computers?  
5 A. Yes.  
6 Q. Approximately how many times have you done that?  
7 A. It's been many of the cases, but the most recent time was  
8 the United States v. Duka Shnewer in the District of New Jersey  
9 in December of 2008.  
10 Q. How was that case generally known?  
11 A. Otherwise known as the Fort Dix jihad cell case.  
12 Q. What types of things have you done when you've been asked  
13 to analyze computers?  
14 A. Well, number one, I've been asked to review individual  
15 files that have been taken off computers to assess where  
16 they're from, who created them, what the significance is. I've  
17 also been handed the actual contents of a hard drive which were  
18 stored in a particular forensic format. And I was asked to  
19 then review this forensically preserved hard drive and actually  
20 go through it and find in there what was most significant to me  
21 or what I recognized from my knowledge of international  
22 terrorist organizations.  
23 Q. Mr. Kohlmann, do you also investigate terrorist Web sites?  
24 A. Yes. Again, as a part of the Internet research I do, one  
25 of the things I do is I archive terrorist Web sites. I save  
many, many archives of those, yeah.

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1 Q. When did you start doing that, roughly?

2 A. Approximately 1997.

3 Q. Have you ever been admitted as an expert to testify about  
4 your investigation of terrorist Web sites?

5 A. Yes. Very frequently so, yes.

6 MR. BRUCE: Your Honor, at this point the government  
7 will tender Mr. Kohlmann as an expert witness in the following  
8 subject matters: The history, structure and leadership of al  
9 Qaeda; recruiting and training methods used by al Qaeda; al  
10 Qaeda trade craft and operational methodology; the use of the  
11 Internet by al Qaeda; and certain computer forensic techniques.

12 THE COURT: I'll permit Mr. Kohlmann to give his  
13 opinion in those areas.

14 MR. BRUCE: Thank you, your Honor.

15 Q. Mr. Kohlmann, let's start very basic. What is al Qaeda?  
16 A. Al Qaeda is an Arabic word that means the base or the solid  
17 foundation. It is a military or a paramilitary organization  
18 which was founded in approximately September of 1988 by a group  
19 of Islamic activists along the Afghan Pakistani border.

20 Q. In your opinion, what is the single most important  
21 historical event that eventually led to the creation of al  
22 Qaeda?

23 A. Well, the single most important or the single most critical  
24 historical event was almost certainly the December of 1979  
25 invasion of Afghanistan by the Army of the former Soviet Union.

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1 Q. Was there any response when the Soviet Union invaded  
2 Afghanistan?

3 A. Yes.

4 Q. What was the response?

5 A. The Soviets had intended to prop up an Afghan communist  
6 government which was failing. Afghanistan was starting to fall  
7 into civil war. Where you had Islamic and other factions  
8 pitting themselves against the Russian government, the  
9 Russian-sponsored government. The Soviets invaded with the  
10 idea that we can prop up this government, retool it, and end  
11 the civil war.

12 But instead what happened was the civil war only got  
13 bigger and bigger and bigger. And you had groups of fighters  
14 that began waging a civil war in an open war against the Soviet  
15 forces and against Afghan communist forces. They called  
16 themselves the mujahideen or the holy warriors.

17 Q. So the word mujahideen means holy warriors?

18 A. Yes.

19 Q. What does the word mujahid mean?

20 A. Singular form of mujahideen. It means a holy warrior.

21 Q. What does the word jihad mean?

22 A. Jihad is the root word that all these words come from.  
23 Jihad means holy struggle. Initially, it meant both internal  
24 struggle, you could have a jihad against your internal personal  
25 demons. Because of events like the Soviet invasion of

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1 Afghanistan and events that have followed since, in the common  
2 context, jihad has largely come to have a physical connotation.  
3 So physical struggle or holy war.

4 Q. Where did this group of mujahideen warriors who were  
5 fighting against the Soviets come from?

6 A. Initially the fighters that were there for almost the first  
7 five years were mostly all Afghans and Pakistani. They were  
8 mostly local people who were upset about the invasion and were  
9 intent upon reconquering their land.

10 However, in approximately 1985, the cause of the jihad  
11 in Afghanistan had reached other areas, particularly the Middle  
12 East. And what ended up happening was that a group of Middle  
13 Eastern exiles, mainly Arab, although some others, began  
14 leaving their homes throughout the Middle East and even here in  
15 North America, and traveled to Afghanistan and Pakistan with  
16 the idea that they would become part of the mujahideen  
17 themselves.

18 Q. Can you summarize for us the conflict between the  
19 mujahideen and the Soviet army, and tell us how it ended?

20 A. Yeah. The conflict raged from approximately 1979 to 1989.  
21 It lasted almost a decade. By 1988 the Soviets decided that  
22 the war was unwinnable and they needed to withdraw. They began  
23 engaging in negotiations with the mujahideen, the Afghan  
24 mujahideen, and the Afghan mujahideen came to an agreement.  
25 However the problem was this, even though the Soviets agreed to

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1 withdraw in 1989, there was still the Afghan communist  
2 government which was left behind which didn't want to put down  
3 its arms. So even though the Soviets withdrew, in  
4 approximately January of 1989, the war continued pretty much  
5 unabated.

6 Q. Now, how did that decade long war eventually lead to the  
7 formation of al Qaeda?

8 A. Well, what ended up happening was you had this group of  
9 Arab exiles who had seen what the Afghan mujahideen had done.  
10 They participated in some small battles. They got the idea in  
11 their heads that, look, we've just seen the lesson of the  
12 century here. A super power was defeated in the battlefield by  
13 a group of men armed with nothing more than AK-47s and rocket  
14 launchers, but possessing a very, very strong belief in their  
15 religion, and their ideology. The lesson that these  
16 individuals took was we need to apply this same philosophy with  
17 regards to our own home governments in the Middle East.  
18 Governments like the government of Egypt, of Saudi Arabia, of  
19 Algeria. We need to do the same thing in those countries that  
20 the Afghans had done there. We need to form mujahideen units,  
21 we need to take control, we need to establish an Islamic  
22 government, and we will establish a new Islamic order, a new  
23 Islamic empire throughout the Middle East.

24 Q. I want to ask you about some additional Arabic terms that  
25 we'll hear during the course of the trial.

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1 Can you tell us what a kuffar is, k-u-f-f-a-r?

2 A. It is actually kuffar, it's plural. It means the

3 disbelievers or the infidels.

4 Q. How about a kafir, k-a-f-i-r?

5 A. Once again that's the singular version of kuffar. A kafir

6 is a disbeliever or an infidel.

7 Q. What about the term dawah, d-a-w-a-h?

8 A. A dawah is missionary work. It's spreading the tenets of

9 Islam to others.

10 Q. The term shaheed, s-h-a-h-e-e-d?

11 A. Shaheed means martyr.

12 Q. What does it mean to take shahada, s-h-a-h-a-d-a?

13 A. The shahada is the proclamation of faith for Muslims. In

14 order to become a Muslim there is no lengthy conversion

15 process. You just have to say one phrase, "There is no God but

16 God and Allah is his messenger" and then you are a Muslim.

17 That's the shahada.

18 Q. What does the term jamat mean, j-a-m-a-t?

19 A. A jamat is an organization or a group.

20 Q. How about the term dunya, d-u-n-y-a?

21 A. Dunya means of this material world. As opposed to the

22 hereafter.

23 Q. How about the term zakat?

24 A. Zakat is a mandatory religious contribution which is

25 incumbent upon all Muslims.

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1 Q. What about the term hadith, h-a-d-i-t-h?  
2 A. Hadith are stories about the life of the prophet Mohammed  
3 that are so authentic and that are so well traced, their  
4 sources are so good, that even though they weren't written in  
5 the Koran, they contain such important lessons about what  
6 Muslims should do and how Muslims should live, that they've  
7 become also written down separately and they are a key element  
8 in Islamic jurisprudence and Islamic law. The Koran doesn't  
9 answer all questions in Islamic law. Many times you can turn  
10 to the hadith, which are not quite as good as the Koran, but  
11 are an authentic source of knowledge to try to answer those  
12 questions.

13 Q. What about the term halal, h-a-l-a-l?

14 A. That just means permissible.

15 Q. The term haram, h-a-r-a-m?

16 A. It's the opposite. It means forbidden.

17 Q. What does it mean to be an apostate?

18 A. An apostate is someone who is apostatized from Islam. It  
19 is someone who perhaps once was a Muslim, but has transgressed  
20 against those beliefs and is now working against Islam.

21 Q. The term salafiat, s-a-l-a-f-i-a-t?

22 A. The salafiat are people who follow the salaf, the elders of  
23 Islam. The people who initially, when Islam was first laid  
24 down in the seventh century, the salaf were the people who  
25 first practiced it. The salafiat, the idea is these are people

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1 who intend to practice Islam, who intend to practice their  
2 faith according to the exact kind of puritanical ways that the  
3 salaf, that the elders did. It's kind of turning back the  
4 clock.

5 Q. If you list someone's name and it says Al Salafi after  
6 it, what does that mean?

7 A. That's referring to someone who follows the salafi version  
8 of Islam. Again, it is a puritanical form of Islam. It's  
9 relatively conservative. And if you say I'm a salafi, you're  
10 part of the salafi sect.

11 Q. What about if it lists someone's name and it says Al Chami,  
12 C-h-a-m-i?

13 A. Al Chami literally means greater Syria. That comprises  
14 present day Syria, Lebanon, Jordan and Palestine.

15 Q. What does the word Sunni mean?

16 A. Sunni is another Arabic word. Sunni just means majority.  
17 In the early days of Islam, there was a split between two camps  
18 in Islam, between the majority and the minority, over  
19 leadership basically. The minority went after and they  
20 followed a nephew of the Prophet Mohammed named Ali, and they  
21 became known as the Shiites, because Shiite means minority.  
22 The others who went with another caliph to be in charge were  
23 the majority. And they were called Sunnis. This division  
24 continues on till today.

25 Q. Mr. Kohlmann, have you prepared a series of PowerPoint

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1 PowerPoint presentation?  
2 A. Yes.

3 MR. BRUCE: Your Honor, at this point I'd ask  
4 permission to read Government Exhibit 7, which is a stipulation  
5 between parties.

6 THE COURT: You may read Government Exhibit 7.

7 MR. BRUCE: "It is hereby stipulated and agreed by and  
8 among the United States of America by Lev L. Dassin, Acting  
9 United States Attorney for the Southern District of New York,  
10 Eric B. Bruce and Michael Farbiarz, Assistant U.S. Attorneys,  
11 of counsel, and Oussama Abdullah Kassir, a/k/a Abu Abdullah,  
12 a/k/a Abu Khadija, the defendant, by and with the consent of  
13 his attorneys, Edgardo Ramos and Mark S. DeMarco, that:

14 "Number one. Government Exhibit 57-T is a fair and  
15 accurate English translation of the document marked as  
16 Government Exhibit 57 which is written in the Arabic language.  
17 Government Exhibit 68-T is a fair and accurate English  
18 translation of the document marked as Government Exhibit 68,  
19 which is written in the Arabic language.

20 "It is further stipulated and agreed that this  
21 stipulation and the translations referenced herein may be  
22 received into evidence as government exhibits at trial."

23 With that, your Honor, I'd like to offer Government  
24 Exhibits 50 to 68, 57-T and 68-T, as well as the stipulation,  
25 Government Exhibit 7.

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1 THE COURT: I take it there is no objection.

2 MR. DeMARCO: No objection, Judge.

3 THE COURT: All right. They are all received. And  
4 the stipulation which I explained to you before lunch is an  
5 agreement between the lawyers and therefore what is said in the  
6 stipulation is evidence in the case. You may introduce it.

7 (Government's Exhibits 50-68, 57T, 68T, 7 received in  
8 evidence)

9 MR. BRUCE: Permission to publish them through the  
10 PowerPoint presentation.

11 THE COURT: You may do so.

12 Q. Mr. Kohlmann, who is the current head of al Qaeda?

13 A. The current emir or commander or top leader of al Qaeda is  
14 Usama Bin Mohammed Bin Laden.

15 Q. Even though he was the head of al Qaeda, did Bin Laden have  
16 any influences or mentors?

17 A. Yes. As indicated on this slide, Bin Laden was heavily  
18 influenced by a number of individuals during the 1980s, both  
19 Arabs and Afghans as well.

20 Q. Let's start with Sheikh Abdullah Azzam. What is his  
21 background; who is he?

22 A. Sheikh Abdullah Azzam, now deceased, is a former  
23 Palestinian cleric who joined the Jordanian fighters who were  
24 waging a war against Israel during the 1950s and '60s.  
25 However, he decided that that conflict was not sufficiently

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1 religious enough. And he decided that one of the reasons why  
2 Arab regimes kept losing to Israel was because of the fact they  
3 had lost their religion. They had strayed from the path of  
4 Islam.

5 He began giving very insistent speech that people  
6 needed to reawaken their Islamic ideology and they needed to  
7 reawaken the idea of jihad. It happened that this happened at  
8 the same time that the Soviet Afghan jihad was occurring, and  
9 Azzam became very much preoccupied with what was going on in  
10 Afghanistan. He saw this as divine prophecy.

11 He reasoned that Muslims from around the world should  
12 go to Afghanistan and fight there with the mujahideen, with the  
13 idea of establishing an Islamic state there. And eventually  
14 establishing those borders throughout the Middle East and again  
15 creating one big Islamic empire.

16 Q. What was his influence on Bin Laden?

17 A. Well, Azzam was known for this, as being the godfather of  
18 jihad. One of the places he often spoke was Saudi Arabia. One  
19 of those he encountered was Usama Bin Laden, a very young Usama  
20 Bin Laden. And Bin Laden became very entranced by what Azzam  
21 was talking about. And Bin Laden went to Pakistan to join  
22 Azzam. Bin Laden became Azzam's primary benefactor,  
23 financially speaking, and also became his top aid and advisor.

24 Eventually Azzam's organization, which was known as  
25 the Office of Mujahideen Services, was basically entirely

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1 dependent upon the support and benevolence of Usama Bin Laden.

2 Q. Let's turn to the next individual. Abdul Rasool Sayyaf.

3 A. Yes.

4 Q. Who is he and what is his background?

5 A. Abdul Rasool Sayyaf is one of the Afghan mujahideen  
6 warlords of the 1980s. He became famous for fighting the  
7 Soviets in Afghanistan.

8 In approximately 1988, Mr. Sayyaf cordoned off part of  
9 his main training camp known as the Sauda camp, exclusively to  
10 train foreign fighters, Arab fighters, coming from the Middle  
11 East. This was al Qaeda's very first training camp. Sayyaf  
12 had a close relationship with Bin Laden. So Sayyaf, among  
13 others, Haqqani, these warlords had a tremendous influence on  
14 getting Bin Laden started and getting him the basic tools to  
15 move forward and giving him the sanctuary for his fighters and  
16 his bases.

17 Q. When did Usama Bin Laden become the head of al Qaeda?

18 A. Well, he wasn't immediately declared the emir of al Qaeda,  
19 but approximately within a year of al Qaeda being formed, Bin  
20 Laden went from being the de facto head of al Qaeda to being  
21 the de facto and de jure emir of al Qaeda. The real emir and  
22 in title as well.

23 Q. When did Bin Laden first come into conflict with the United  
24 States?

25 A. Well, Bin Laden's conflict with the United States began

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2 almost immediately upon the formation of al Qaeda. The notion  
3 again was that we've defeated one super power in the form of  
4 the Soviet Union. So we should now focus on defeating the  
other super power.

5 Bin Laden was being advised by, among others,  
6 Dr. Ayman al-Zawahiri, an Egyptian. And these individuals like  
7 Zawahiri were urging Bin Laden that the only way that we will  
8 take over our countries back at home, Saudi Arabia, Egypt,  
9 Algeria, is if we first remove their primary foreign sponsors.  
10 As long as they have a big foreign backer that supported them,  
11 giving them money, giving them weapons, we'll never be able to  
12 defeat them.

13 (Continued on next page)

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1 BY MR. BRUCE:

2 Q. And who was the big foreign backer?

3 A. It was the United States.

4 Q. Now, what is a fatwa?

5 A. A fatwa is a religious edict.

6 Q. Did Bin Laden issue a fatwa at some point regarding the  
7 United States?

8 A. Yes, he has.

9 Q. Can you explain it for us?

10 A. Well, even though Bin Laden is not actually an imam, he is  
11 not a cleric, he has issued fatwas anyway, political fatwas.  
12 The very first fatwa that Bin Laden issued publicly about the  
13 United States came in August of 1996. Bin Laden issued a fatwa  
14 under the title Declaration of Holy War Against the Americans  
15 in the Land of the Holy Places. The idea here was that Bin  
16 Laden was authorizing or calling upon Muslims everywhere to  
17 launch terrorist strikes aimed at American soldiers in the  
18 Arabian Peninsula, Saudi Arabia, Yemen, UAE, Kuwait, everywhere  
19 pretty much south of Iraq.

20 Q. Why was Bin Laden focused on American soldiers in the  
21 Arabian Peninsula?

22 A. One of the big causes that had really infuriated him and  
23 cemented his anger against the United States was the presence  
24 of U.S. peace-keeping troops in Saudi Arabia following the Gulf  
25 War in 1991. Bin Laden and other conservative Muslims view

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1 Saudi Arabia as part of what they call the land of the two holy  
2 places. It's a sacred land for Islam. It's a place where  
3 Islam was created, in the cities of Mecca and Medina.

4 As a result, according to some versions of the hadith, it's  
5 forbidden for any non-Muslims to be in the Arabian Peninsula,  
6 especially anywhere near Mecca or Medina. So Bin Laden said  
7 these people are there in violation of the hadith. They're in  
8 violation of the religion, and their blood is a booty to those  
9 who kill them.

10 Q. After that fatwa in 1996, did Bin Laden follow with any  
11 other fatwas?

12 A. Yes.

13 Q. Can you explain those?

14 A. In February of 1998, Bin Laden convened a press conference  
15 in Afghanistan with other al-Qaeda leaders and also leaders of  
16 other terrorist organizations that weren't officially a part of  
17 al-Qaeda but that were working with al-Qaeda. And the name of  
18 this press conference, the slogan of the press conference, was  
19 the World Islamic Front Against Jews and Crusaders, and the  
20 idea behind the press conference was for Bin Laden, along with  
21 all these other various different terrorist commanders, to  
22 issue the declaration that the initial fatwa from back in '96  
23 was now being expanded. Now, the target would be Americans,  
24 both civilian and military, and not just in the Arabian  
25 Peninsula, but anywhere they could be found, anywhere in the

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1 world. So, in other words, Bin Laden and his supporters and  
2 his advisors were calling on Muslims to kill Americans  
3 everywhere.

4 Q. Did any terrorist acts by al-Qaeda follow Bin Laden's fatwa  
5 from February 1998?

6 A. Yes.

7 Q. Can you explain?

8 A. In August of 1998, al-Qaeda suicide bombers struck at two  
9 U.S. embassies in East Africa: Nairobi and Dar Us Salaam,  
10 Tanzania -- excuse me, Nairobi, Kenya, and Dar Us Salaam,  
11 Tanzania, attacks which killed over 200 people.

12 In October of 2000, al-Qaeda suicide bombers launched an  
13 attack on a U.S. warship, the U.S.S. COLE, off the coast of  
14 Yemen, killing 17 U.S. sailors.

15 And on September 11, 2001, al-Qaeda suicide hijackers  
16 launched terrorist attacks in New York and Washington, D.C.

17 Q. As we sit here today, what is the goal of the al-Qaeda  
18 organization?

19 A. The primary purpose of al-Qaeda as it stands today is to  
20 confront and wage a war with the United States with the idea of  
21 eventually defeating the United States, forcing the United  
22 States to leave the middle East and the Muslim world, and then  
23 establishing an Islamic empire on the ruins of the current  
24 apostate regimes that are U.S.-backed in the Muslim world.

25 Q. Mr. Kohlmann, how is al-Qaeda organized?

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1 A. Al-Qaeda is somewhat loosely organized, but at its top,  
2 there is a physical organization, and it is known as the Shura  
3 Council, or advisory council.

4 Q. And Bin Laden is at the top of the Shura Council?

5 A. Yeah. It works kind of like a cabinet, like a presidential  
6 cabinet. Here you have Bin Laden who is the amir, or the  
7 commander, of the organization. And you see he's also in  
8 charge of a specific subcommittee, the political committee.

9 Q. Can you go through the remaining committees and briefly  
10 tell us what the committee is and who is at the head of it  
11 during this time period?

12 A. To Bin Laden's right on the chart you see an individual  
13 named Abu Hafs al-Masri. His real name is Mohammed Atef. He  
14 is a former Egyptian policeman, and because of his experience  
15 in the police, his experience with weapons and whatnot, he was  
16 appointed to be head of al-Qaeda's military committee, head of  
17 al-Qaeda's military wing. You'll notice, as indicated on the  
18 chart, he was killed in a U.S. missile strike in November of  
19 2001.

20 To his right is Dr. Ayman al-Zawahiri. Dr. Ayman  
21 al-Zawahiri was one of the original founders of the Egyptian  
22 Islamic Jihad Movement and, as you can see here, is the head of  
23 al-Qaeda's media committee. In almost every single video that  
24 al-Qaeda puts out, Zawahiri appears. It also happens that  
25 Zawahiri is considered to be the deputy commander of al-Qaeda,

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1 the No. 2; in other words, the man that sits directly behind  
2 Bin Laden.

3 To Zawahiri's right, you have an individual, another  
4 Egyptian by the name of Saif al-Adel. That's a pseudonym; the  
5 name literally means sword of justice. Saif al-Adel, you'll  
6 see as indicated on here, is the head of al-Qaeda's security  
7 committee.

8 To his right is another Egyptian, Sa'ed al-Masri, otherwise  
9 known as Mustafa Abu al-Yazid. He's the head of al-Qaeda's  
10 financial committee. He's the money guy.

11 To his right is an individual named Abu Hafs al-Mauritani.  
12 He is originally from Mauritania. He was the head of  
13 al-Qaeda's religious committee. He was given this position  
14 because of the fact that he ran a religious institute in  
15 Kandahar near the base of al-Qaeda and Taliban power  
16 specifically for foreigners who wanted to study jihad.

17 Q. Just to be clear, back to Bin Laden for a moment, you said  
18 he is the amir. What does it mean to be the amir?

19 A. Amir means the commander.

20 Q. Actually, there's an individual, Khalid Sheikh Mohammed,  
21 who is listed as special operations. Could you tell us who he  
22 is?

23 A. Khalid Sheikh Mohammed was not part of the Shura Council  
24 itself. However, like I said, al-Qaeda is somewhat loosely  
25 organized, and in order to take charge of particular key

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1 overseas projects, i.e., major international terrorist  
2 operations that would require somebody to keep a close eye on  
3 what's going on, that would require secrecy, etc., this was  
4 Khalid Sheikh Mohammed's role. He was known as al-Muqtar, the  
5 brain.

6 Q. What does special operations mean?

7 A. Well, in the context of al-Qaeda, special operations would  
8 be major international terrorist attacks.

9 Q. I want to focus on Dr. Zawahiri. Could you tell us a bit  
10 more about who he is and his background?

11 A. Dr. Ayman al-Zawahiri is a former pediatrician from Egypt.  
12 He was one of the original founders of a group in Egypt known  
13 as the Egyptian Islamic Jihad Movement. He was in prison for a  
14 time in Egypt partly as, for his role in the 1981 assassination  
15 of Anwar Sadat, the president, then president of Egypt. He was  
16 expelled from Egypt, and he fled to Pakistan and Afghanistan  
17 during the 1980s, and he joined up with Bin Laden, Usama bin  
18 Laden, and the others, other Arab Afghans and he again became  
19 the deputy commander of al-Qaeda.

20 Q. What does it mean to be the head of global military  
21 operations for al-Qaeda?

22 A. Zawahiri, especially in the wake of Khalid Sheikh  
23 Mohammed's capture, has played a very hands-on role in trying  
24 to organize terrorist attacks and trying to oversee terrorist  
25 attacks. In 2005, when suicide boomers carried out a terrorist

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1 attack in London, in the United Kingdom, Zawahiri was featured  
2 shortly thereafter in an al-Qaeda video in which he explained  
3 that he had personally helped groom and recruit the two  
4 bombers, that he had dispatched them on their mission, that he  
5 was literally one of their colleagues.

6 Q. The last bullet mentions al-Qaeda's As-Sahab Media  
7 Foundation. What is that?

8 A. Al-Qaeda has a specific media group which is responsible  
9 for video recordings coming out of Afghanistan and Pakistan.  
10 Particularly if you ever see any video of Usama bin Laden or  
11 Dr. Ayman al-Zawahiri, it's created by this media wing which is  
12 known as As-Sahab, which means the clouds. There is no such  
13 thing as a video recording of Bin Laden that doesn't come from  
14 this group. Everything comes from this group.

15 Q. The next individual, Ibn Shaykh al-Liby. First I take it  
16 you didn't have a publicly available picture of him?

17 A. To my knowledge, there is no publicly available photo of  
18 him.

19 Q. Could you tell us who he is?

20 A. Ibn Shaykh al-Liby is the former manager of a terrorist  
21 training camp in southeastern Afghanistan, near the city of  
22 Khost. The camp was known as the Khalden camp. Ibn Shaykh  
23 al-Liby was a Libyan national. He wasn't ever officially a  
24 member of al-Qaeda. In other words, he wasn't directly part of  
25 al-Qaeda. Rather he worked with a lot of different groups. He

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1 worked with al-Qaeda. He worked with a group known as the  
2 Libyan Islamic Fighting Group. He worked with the Taliban. He  
3 was kind of an all-purpose jihadi, and he provided training to  
4 a lot of people, including al-Qaeda members. Anyone from  
5 al-Qaeda that wished to attend the camp, it was very rare that  
6 they would have any problems trying to do so. It was usually  
7 very easy to arrange.

8 Q. Abu Khabab al-Masri, can you tell us who he is?

9 A. Abu Khabab al-Masri is another Egyptian national. His real  
10 name is Midhat Mursi. He's now deceased. He was a senior  
11 al-Qaeda member and an expert in building explosives and also  
12 in nonconventional warfare, i.e., chemicals, biological  
13 material, radiological material. He actually ran a training  
14 camp, a small training camp inside of Afghanistan known as the  
15 Abu Khabab camp that specifically focused in on chemical,  
16 biological, radiological testing. And when he was killed,  
17 al-Qaeda actually issued a statement saying that, Well, you may  
18 have killed him, but there's plenty of students who have  
19 studied all his skills and are ready to replicate exactly what  
20 he's done in the future.

21 Q. Abdullah Ahmed Abdullah, first can you tell us his aliases?

22 A. Yes. Abdullah Ahmed Abdullah is also known as Saleh or Abu  
23 Mohammed al-Masri. Al-Masri means from Egypt.

24 THE COURT: What does al-Masri mean?

25 THE WITNESS: Excuse me, your Honor. Al-Masri means

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1 the Egyptian or from Egypt.

2 BY MR. BRUCE:

3 Q. So attached to his name, it indicates that he's from Egypt?

4 A. That's correct, yes, Abu Mohammed from Egypt.

5 Q. Can you tell us who he is?

6 A. Yes. He was another senior al-Qaeda member, also an  
7 al-Qaeda training camp instructor. This is again another  
8 person who specialized in explosives. He was known, in fact,  
9 for specializing in explosives. The camp that he taught at,  
10 the Jihad Wall Camp was one of al-Qaeda's central camps, been  
11 around for a very, very long time. He's currently wanted by  
12 the United States Government for his involvement in terrorist  
13 attacks against United States nationals, and I believe there's  
14 a \$5 million reward on his head.

15 THE COURT: Did you say a \$500 reward?

16 THE WITNESS: No. Excuse me, your Honor. I said 5  
17 million. Excuse me.

18 THE COURT: Thank you.

19 BY MR. BRUCE:

20 Q. The next slide, Mr. Kohlmann, Abu Musab al-Zarqawi.

21 A. Yes.

22 Q. Can you tell us who he is.

23 A. Abu Musab al-Zarqawi is a Jordanian national, now deceased.  
24 He was one of this group of individuals who, during the late  
25 1980s and early 1990s, went to Afghanistan with the idea of

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1 joining the mujahideen. However, even though Zarqawi and Bin  
2 Laden shared the same ideas about jihad and about martyrdom and  
3 about confronting the enemies of Islam, there was a personality  
4 disagreement. Zarqawi saw Bin Laden as arrogant and Bin Laden  
5 saw Zarqawi as arrogant, and each of them basically thought  
6 they could do a better job than the other one. So Zarqawi  
7 never officially swore an oath to Bin Laden saying I'm part of  
8 the organization; he just kind of worked with him.

9        Then in 2003, Zarqawi traveled to Iraq where he saw an  
10      opportunity and he established an organization that he called  
11      the Tawheed and Jihad Movement. This movement became very  
12      famous because it started beheading people on camera and  
13      started carrying out suicide bombings in Iraq. Nicholas Berg,  
14      the U.S. hostage who was beheaded on camera, that was by Abu  
15      Musab al-Zarqawi. And as a result, in October of 2004, Zarqawi  
16      and Bin Laden managed to come to an agreement, and Zarqawi's  
17      Tawheed and Jihad Movement became al-Qaeda in Iraq, and that is  
18      the story of how al-Qaeda in Iraq came to be. And Zarqawi  
19      remained in charge of al-Qaeda in Iraq until June of 2006 when  
20      he was killed in a U.S. air strike.

21 Q. Now, you indicate that he was a highly visible icon for  
22 second and third generation terrorist sympathizers and  
23 recruits. What do you mean by that?

24 A. Zarqawi was very, very skillful with his use of media and  
25 multimedia. He used these beheading videos and videos of

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1 suicide bombings and of martyrs gleefully going off on their  
2 missions in order to inspire an entire generation of young  
3 people to follow in his wake. He became lionized by this group  
4 of again relatively young, relatively extreme people who gave  
5 him the nickname the Shaykh of the Slaughterers, which was in  
6 their view a compliment. But, yeah, that's the Shaykh of the  
7 Slaughterers.

8 Q. Before we move to the next slide, Mr. Kohlmann, what does  
9 it mean to be an actual member of al-Qaeda?

10 A. Well, if you're a member of al-Qaeda, it usually means that  
11 you've sworn a bayaat. A bayaat is an oath of allegiance to  
12 either Usama bin Laden as the amir of the organization, or if  
13 you're in Iraq, perhaps you'd swear a bayaat to Abu Musab  
14 al-Zarqawi or another duly authorized representative of  
15 al-Qaeda. But it has to be someone who is duly authorized. It  
16 has to be someone who is fairly significant. It has to be  
17 someone who you giving an oath of allegiance to mean something.

18 Q. And do you have to swear bayaat in person?

19 A. You're supposed to, but it doesn't always happen.

20 Q. Are there people who assist al-Qaeda who are not actual  
21 members of al-Qaeda?

22 A. Yes.

23 Q. Can you describe some of the roles that those people play?

24 A. Well, they play some of the most important roles in the  
25 organization. Al-Qaeda is an underground organization, and it

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1 has difficulty getting its hands on a lot of different things.  
2 One of those things is recruits for terrorist training camps.  
3 Contrary to popular belief, before 9/11, when al-Qaeda wanted  
4 to recruit people, they didn't call up people in the phone book  
5 from Afghanistan and say, Hey, you should come here and join  
6 us. That's not how it works.

7 What al-Qaeda did is it relied on supporters in places like  
8 Egypt, Saudi Arabia, the UAE, even here in the United States,  
9 to encourage people to go there, to go to jihad, to go to  
10 Afghanistan, not because they were al-Qaeda members but because  
11 they supported al-Qaeda's mission. They would finance in some  
12 cases these people to go off just with whatever money they had  
13 in their pockets, but the idea is without the clerics who issue  
14 the religious rulings which underwrite al-Qaeda's operations,  
15 without the recruiters who are not members of al-Qaeda but  
16 support al-Qaeda's mission and want to send their friends and  
17 their buddies and their sons and their cousins to these camps  
18 because they support that mission, without this whole strategy,  
19 al-Qaeda is nothing. Al-Qaeda doesn't have money. It doesn't  
20 have religious bases. It doesn't have recruits. These  
21 supporters, these are known as the ansars, supporters, the  
22 partisans, that's the lifeblood of al-Qaeda.

23 Q. In addition to the recruiters and financiers that you  
24 mentioned, are there trainers in al-Qaeda?

25 A. Yes.

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1 Q. What role do they play?  
2 A. Well, in order to have a military organization, you need to  
3 have an army. You need to have people that are military  
4 minded. Now, a lot of the people that ended up in Afghanistan  
5 in the late 1980s and the early 1990s and even well into the  
6 late 1990s were people who were very much like Usama bin Laden  
7 in the sense that they had a lot of big political and religious  
8 ideas, but they had no military training whatsoever to speak  
9 of; they were useless on the battlefield.

10 In order to take these people who have no military  
11 experience and turn them into hardened battlefield fighters,  
12 you need camps and you need instructors, and you need  
13 instructors that know what they're doing. So instructors  
14 played a huge, huge role. And to be fair, it's not just the  
15 instructors at the al-Qaeda camps in Afghanistan because there  
16 are training camps which are turning out people who join  
17 al-Qaeda in places like Chechnya, Bosnia-Herzegovina, Somalia,  
18 Afghanistan.

19 Q. Mr. Kohlmann, what is the Taliban?  
20 A. The Taliban is an Arabic word which means the students.  
21 This is an Islamic movement, the Deobandi Islamic Movement --  
22 that's just the name of the sect -- which popped up along the  
23 Afghan-Pakistani border in madrases and in refugee camps during  
24 the mid-1990s. Essentially what it was was Afghans and  
25 Pakistanis, Afghan refugees from the Soviet-Afghan war, and

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1 Pakistanis who were fed up with all chaos and the war and  
2 destruction that had gone on along the Afghan-Pakistani border  
3 for years, inside Afghanistan desperately so. And their idea  
4 was this, was that we can get rid of all this chaos by  
5 installing a very, very, very strict social order. The problem  
6 here is not that people are greedy, it's not that there's too  
7 many guns. The problem is that people have lost their Islam.  
8 And if we reawaken the spirit of Islam in people and establish  
9 a very, very strict religious order, everything will go back to  
10 the way it once was, prosperous and everything.

11 So in approximately 1995, a group of these individuals  
12 leave their madrases, leave their Islamic schools, and they  
13 cross over into the city of Kandahar, which is just over the  
14 border into Afghanistan, in order to try to do battle with some  
15 of these corrupting influences, these warlords who have gone  
16 wrong. And they achieve victory so fast and with such little  
17 work that their commanders suddenly say, Hold on a second, why  
18 would we stop with Kandahar, let's just keep going. So the  
19 Taliban, who, after years of war, had very few enemies left,  
20 that had the stamina to fight them, managed to very quickly  
21 take over most of Afghanistan.

22 Q. Who is the leader of the Taliban?

23 A. The leader of the Taliban was a Kandahar native who was a  
24 big inspiration behind what happened in 1995, and his name is  
25 Mullah Mohammed Omar Mujahib.

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1 Q. What role did he play in the Taliban government?  
2 A. Well, he is known as the Amir al-Mumineen, which is a  
3 little bit different than just being the commander, the amir.  
4 If you're recognized as the Amir al-Mumineen, it means you are  
5 the commander of all the believers. It's kind of like being  
6 named the Pope. It is, it's basically you are the equivalent  
7 of the Islamic emperor. You are the person in charge of Islam  
8 all over the world.

9 Q. Can you describe the relationship between the Taliban and  
10 al-Qaeda?

11 A. Well, initially, there was some friction because of the  
12 fact that many of al-Qaeda's former allies in Afghanistan among  
13 the Afghan mujahideen were fighting against the Taliban.  
14 However, in approximately 1995, al-Qaeda began to have problems  
15 with their then sanctuary in Sudan. They were having problems  
16 with the local government and they needed to find a new place  
17 to go. And Bin Laden and his advisors looked at what was going  
18 on in Afghanistan, and they looked at the Taliban, and they  
19 said, Look, these guys, they're not so bad. They have the same  
20 ideas that we do. They have the same approach that we do. We  
21 should really investigate about working with these people.

22 So Bin Laden sent over his military commander, Abu Hafs  
23 al-Masri, to Afghanistan to meet with the Taliban. And when  
24 Abu Hafs came back, he wrote a memo to Bin Laden saying they  
25 have a great attitude towards the Arab mujahedeen. They have

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1 exactly the right religious perspective, exactly the right  
2 political perspective. It is our obligation to stand behind  
3 these people and support them to the hilt, and that's exactly  
4 what happened. And that's why Bin Laden recognized Mullah Omar  
5 as the Amir al-Mumineen, the commander of the believers.

6 Q. What is the Northern Alliance?

7 A. Well, when the Taliban started taking over control of  
8 Afghanistan in '95, '96, '97, you had a few warlords who were  
9 remaining over from the period of the Soviet-Afghan War and of  
10 the civil war of the 1990s. Now, these individuals had mostly  
11 fought each other during this period. However, eventually, it  
12 began to dawn on them that if they didn't band together once  
13 again and fight the Taliban the same way that they had fought  
14 the Soviets that they would all be out of a job and out of a  
15 home. So the most significant of the warlords at that time, an  
16 individual, a Tajik, by the name of Ahmad Shah Massoud, and an  
17 Uzbek, also from the north, known as Abdel Rashid Dostum, got  
18 together and they formed an alliance to fight the Taliban,  
19 because Dostum was in the northwest and Massoud was in the  
20 northeast, this became known as the Northern Alliance.

21 Q. Now, in the late 1990s when the Northern Alliance was  
22 fighting against the Taliban, was anyone else, any other group,  
23 fighting with the Taliban?

24 A. Yes, al-Qaeda was.

25 Q. Can you describe for us the conflict that went on between

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1 the Taliban and al-Qaeda on one side and the Northern Alliance  
2 on the other side?  
3 A. Yes. Starting again in approximately 1995, the Taliban are  
4 waging a war to take over control of the territory of  
5 Afghanistan, to grab it from the Northern Alliance. And  
6 slowly, they're working their way across Afghanistan, taking  
7 over places like Herat, Mazari Sharif, the capital Kabul. The  
8 problem is that the Taliban now are taking over areas that are  
9 not the same ethnicity that they are, and these areas they're  
10 going in and they're massacring people. They're murdering  
11 religious minorities like Shiites, etc., etc., and you end up  
12 having a very, very bloody conflict. It's like World War I in  
13 Afghanistan. It's trench warfare, and then when one side takes  
14 over an area, they ethnically cleanse it.

15 By the time of 1998, 1999, essentially what you had is a  
16 very small area in northern Afghanistan controlled by the  
17 Northern Alliance, and then you had a front line where you had  
18 Taliban and al-Qaeda fighters, shooting, firing into Northern  
19 Alliance positions, and then the Northern Alliance firing back.

20 Now, the idea for al-Qaeda, why was al-Qaeda doing this.  
21 Well, al-Qaeda was interested in this, No. 1, because they  
22 wanted to support Mullah Omar and the Taliban. They wanted to  
23 show we're with you guys, we're part of you, we're behind you,  
24 so we're going to contribute to your war by helping you fight  
25 these people. But more importantly for al-Qaeda, in addition

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1 to having a training camp, in order to get people who have no  
2 military experience up to snuff, you can't just send them to  
3 the training camp. They also have to be thrown out and be  
4 given some real combat experience. The advantage of putting  
5 them on the front lines with the Northern Alliance was that  
6 this is relatively close to the training camps. It's  
7 relatively controlled. We can control the degree to which  
8 these people actually get involved in the fighting, but it's  
9 enough where they're going to shoot, they're going to shoot  
10 real weapons. They're going to see real enemies and they're  
11 not going to be so green when they come back. And that's  
12 exactly what al-Qaeda did.

In fact, al-Qaeda, eventually, in September of 2001, delivered the coup de grace to the Northern Alliance by sending two suicide bombers disguised as journalists to meet with Ahmad Shah Massoud, the head of the Northern Alliance. The two individuals set off a bomb killing Massoud and nearly decapitating the Northern Alliance.

19 THE COURT: Is this a good place to take our afternoon  
20 break?

21 MR. BRUCE: Certainly, your Honor.

22 THE COURT: Okay. We will recess for ten minutes.  
23 Don't discuss the case or come to any conclusions about the  
24 case.

25 (Recess)

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1 THE COURT: I'll see counsel at the side bar, without  
2 the reporter.

3 (Discussion off the record)

4 THE COURT: All right. Are we all set now?

5 MR. DeMARCO: Yes, Judge.

6 THE COURT: Thank you. You may proceed, Mr. Bruce.

7 Thank you.

8 MR. BRUCE: Thank you, your Honor.

9 Q. Mr. Kohlmann, who is Wakil Ahmad Mutawakkil?

10 A. Wakil Ahmad Mutawakkil was essentially the secretary of  
11 state for the Taliban under Mullah Omar, basically prior to  
12 9/11. Shortly after 9/11, Mr. Mutawakkil was apprehended by  
13 the Pakistani government and handed over to the United States.  
14 But prior to that, because of the fact that the Taliban was  
15 only recognized by really two or three governments, Pakistan,  
16 the UAE, and Saudi Arabia, they didn't really have a big  
17 diplomatic service. But what they did have was somebody who  
18 was stationed in Pakistan who was their roving foreign affairs  
19 guy, and that was Wakil Ahmad Mutawakkil.

20 Q. Earlier you mentioned certain religious clerics. I want to  
21 ask you about certain religious clerics. First, can you tell  
22 us who is Shaykh Omar Abdel Rahman?

23 A. Shaykh Omar Abdel Rahman is otherwise known as the Blind  
24 Shaykh. He is Egyptian by origin. He is the founder, the  
25 spiritual founder behind the terrorist organization in Egypt

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1 that is known as the Egyptian Islamic Group, al-Gama  
2 al-Islamiyya. The purpose behind this organization was to  
3 establish an Islamic government in Egypt that was responsible  
4 for the assassination of Egyptian president Anwar Sadat in  
5 1981. Mr. Rahman eventually left Egypt and came to the United  
6 States where he became involved in certain criminal activities.  
7 And in 1995, he was convicted of seditious conspiracy here in  
8 the Southern District of New York.

9 Q. Now, what does the title of shaykh mean?

10 A. Shaykh is an honorific title. It doesn't have to refer to  
11 someone who is religious leader. It can also be a political  
12 leader, for instance, Shaykh Usama bin Laden is the term often  
13 used for Bin Laden. It just means leader.

14 THE COURT: Can shaykh also be anglicized to be  
15 spelled S-H-E-I-K-H?

16 THE WITNESS: Yes, your Honor. It can be. There's a  
17 couple, with the transliterations, the spellings can be a  
18 little bit different. But it's always the same word whether  
19 it's A-Y or E-I or I-E.

20 THE COURT: Thank you.

21 BY MR. BRUCE:

22 Q. Is that true of a lot of Arabic words when you translate  
23 them into English that they can be spelled in different ways?

24 A. It's called transliteration. What you're doing is taking  
25 characters that don't have fundamental English base, and you're

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1 converting them into English-sounding characters. What that  
2 means is that there are a bunch of different ways of making  
3 different sounds. There's O-U or O-O or just an O or just a U,  
4 etc., etc. So sometimes words can be written a little bit  
5 differently, but it's all basically the same. Jihad is  
6 sometimes I or an E.

10                   THE WITNESS: That's correct. I believe the U is  
11 actually the preferable spelling, although O is frequently  
12 used as well. I think -- honestly, I'm not even sure if there  
13 is a particular standard with regard to the U.S. Government,  
14 but there's different spellings, yeah.

15 THE COURT: Thank you. Go ahead.

16 BY MR. BRUCE:

17 Q. Now, in the third bullet, Mr. Kohlmann, you mention a  
18 videotape about Shaykh Omar Abdel Rahman by Bin Laden. Can you  
19 explain that?

20 A. Yes. The imprisonment of Shaykh Rahman by the United  
21 States Government has been a central issue for Usama Bin Laden.  
22 In several video recordings, Bin Laden has brought up Shaykh  
23 Rahman, and he has referred to him as one of our prisoners,  
24 i.e., al-Qaeda's prisoners, being held in Washington. In 2000,  
25 you see that he created a videotape which was eventually

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1 released to ABC News here in the United States which featured  
2 both Bin Laden and one of Shaykh Omar's sons at a training camp  
3 in Afghanistan at which time Bin Laden promised that al-Qaeda  
4 would move forward and shed blood in the cause of liberating  
5 Shaykh Omar.

6 THE COURT: When you said Washington just now, you  
7 meant Washington, D.C.?

8 THE WITNESS: Washington, D.C. Correct, yes, your  
9 Honor. Sorry about that.

10 BY MR. BRUCE:

11 Q. Mr. Kohlmann, Shaykh Faisal al-Jamaiki, first can you tell  
12 us where he's from?

13 A. Shaykh Faisal is originally from Jamaica, and he eventually  
14 lived in the United Kingdom.

15 Q. Can you explain for us who he is, please?

16 A. Again, a native of Jamaica, he went to study Islam in Saudi  
17 Arabia under particular Wahabi clerics, conservative religious  
18 clerics. When he came back from Saudi Arabia, he had a very,  
19 very, I would say hard-line interpretation of Islam. He  
20 traveled to the United Kingdom, where he began recruiting  
21 people but emphasizing very particularly certain concepts like  
22 martyrdom, jihad, in the struggle and physical struggle sense.  
23 And eventually he began running into problems with authorities  
24 in the United Kingdom because his sermons were calling for the  
25 murder of other people in the U.K. He was convicted of

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1 soliciting to murder and served a prison sentence in the U.K.  
2 and then was deported back to his home country of Jamaica.

3 Q. Shaykh Abu Hamza al-Masri, first can you tell us where he's  
4 from?

5 A. Well, again, al-Masri, meaning the Egyptian or from Egypt.  
6 Abu Hamza al-Masri, originally from Egypt, he eventually became  
7 a citizen of the United Kingdom, a resident of the United  
8 Kingdom. He initially started off as a relatively secular  
9 individual. He was a bar bouncer during the 1980s, a nightclub  
10 bouncer. Eventually, he had a religious conversion. He  
11 traveled to Afghanistan. He became a big proponent of the  
12 mujahideen and of the cause of the mujahideen. He eventually  
13 suffered horrific injuries and no longer could stay in  
14 Afghanistan, had to return to the United Kingdom. Back in the  
15 U.K., he became the cleric, the head cleric in London at a  
16 mosque known as the Finsbury Park Mosque.

17 Q. And the title imam, what does that mean?

18 A. Imam means cleric. Imam is actually religious. Imam means  
19 cleric. Yeah.

20 Q. And you mentioned his injuries. Could you describe his  
21 injuries?

22 A. Yes. Abu Hamza lost the use of both of his hands and also  
23 he received injuries on his face during an explosion. He wears  
24 hooks in place of hands. And thus, he's in somewhat of a state  
25 of infirmity.

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1 Q. Now, in the second bullet, Mr. Kohlmann, you refer to an  
2 organization in London operated by Abu Hamza called the  
3 Supporters of Shariah?

4 A. Yes.

5 Q. First can you describe what does shariah mean?

6 A. Shariah is Islamic law. So Supporters of Shariah, or Ansar  
7 al-Shariah, means the partisans or supporters of Islamic law.

8 Q. What acronym was that group known by?

9 A. SOS.

10 Q. And what was the Supporters of Shariah?

11 A. Supporters of Shariah was a political organization run by  
12 Abu Hamza out of the Finsbury Park Mosque, and the primary  
13 purpose of that organization was to encourage others to  
14 participate in jihad and to join the mujahideen and support the  
15 mujahideen in various different conflict zones, whether in  
16 Bosnia-Herzegovina, the Caucasus, Afghanistan, Somalia,  
17 wherever jihad is, the idea is that we're going to support it,  
18 we're going to speak in favor of it, we're going to raise money  
19 for it, we're going to recruit people for it.

20 Q. You indicate in the second bullet that the Supporters of  
21 Shariah publicly stated on their Web site that they support the  
22 mujahideen in Afghanistan, Bosnia, Kashmir, is that correct?

23 A. Yes, including recruiting and aiding front-line soldiers.  
24 They wanted to make it clear that this is not some kind of  
25 charity organization involved in supporting orphans and widows.

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1 This is about supporting the fighters, make it very, very  
2 clear, don't even ask, if you have to ask this is what we do.

3 Q. What does the term front-line soldiers mean?

4 A. Well, Again, inferring that it's not just soldiers, it's  
5 the people that are at the cutting edge, the people that are  
6 shooting the weapons, the people that are firing the mortars,  
7 i.e., we're paying for and recruiting people who are at the  
8 sharp end of the knife.

9 Q. We talked about the mujahideen in Afghanistan. Can you  
10 tell us about the mujahideen in Bosnia?

11 A. Yes. In approximately 1991, a civil war began breaking out  
12 in the former Yugoslavia, in southeastern Europe. Yugoslavia  
13 is made up a of a variety of different ethnic and religious  
14 groups, and what ended up happening was that three groups in  
15 particular squared off against each other. You had Croations  
16 versus Bosnian Muslims versus Bosnian Serbs. Each of these  
17 sides essentially is fighting amongst either other, but the  
18 Croats are in the western half, the Serbs are in the eastern  
19 half, and the Muslims are kind of stuck in the middle. So the  
20 Muslims strategically have the worst position, and they are the  
21 worst armed and they are the smallest minority.

22 So in the beginning they are suffering pretty badly, and  
23 what ends up happening is that the same way that the cause of  
24 Afghanistan reaches the outside Muslim world and galvanizes the  
25 extremists, this cause does the same thing and you have people

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1 around the world who look at this and say, It's my duty to go  
2 there and join the jihad and become part of this. So a group  
3 of foreign fighters began traveling to Bosnia-Herzegovina with  
4 the idea of recreating what they did in Afghanistan in Bosnia,  
5 and that persisted until approximately 1995.

6 Q. Now, it also references the mujahideen in Kashmir. First,  
7 can you tell us where Kashmir is?

8 A. Kashmir is a disputed territory which straddles between the  
9 borders of India and Pakistan. It's a small piece of land, but  
10 it has tremendous, I guess, philosophical value to both  
11 countries and the issue has taken on a very nationalist edge.  
12 And as a result, since India and Pakistan first split apart in  
13 1949, they've fought many wars over this particular piece of  
14 territory. Part of it is actually also claimed by China.

15 But these various different wars initially pitted the  
16 Indian Army versus the Pakistani Army. However, in 1989, after  
17 the Soviet-Afghan War started to fade, a new war broke out in  
18 Kashmir and some of the Pakistanis who had been fighting in  
19 Afghanistan against the Soviets said, We need to do exactly  
20 what the Afghans did and exactly what the Bosnians are doing  
21 and we need to do it in Kashmir. We need to launch a jihad.

22 So what ended up happening was Pakistani Islamists who had  
23 fought in the Afghan war alongside Afghans against Communist  
24 forces now switched their intent. Now the battlefield in  
25 Afghanistan was closing up, so they shifted their operations

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1 over into nearby Kashmir. And Kashmir actually is  
2 geographically fairly close to where these people were fighting  
3 in Afghanistan. It's only a relatively short distance so it  
4 was a quick kind of switch for them.

5 Q. In the last bullet, Mr. Kohlmann, you reference a speech  
6 given by Abu Hamza. Can you tell us about that public speech?

7 A. Yes. After 9/11, Abu Hamza al-Masri began issuing a series  
8 of lectures, really, under the title the World Trade Series.

9 These speeches were in reference and regarding the September  
10 11, 2001, terrorist attacks on the United States. In this  
11 particular sermon, which was being sold on, out of his book  
12 store in the Finsbury Park Mosque and was also available on the  
13 Internet, Abu Hamza explained that terrorism is a tool for  
14 everybody to get his way, that terrorism is not only something  
15 that should be used but it must be used. And if Muslims go  
16 away from terrorism and stop using terrorism as a  
17 methodological tool, that they will never achieve success, that  
18 they will always be slaves to somebody else. And so,  
19 essentially what he was doing was telling his followers, commit  
20 acts of terrorism.

21 (Continued on next page)

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1 94L3KAS6 Kohlmann - direct  
2 Q. Now, this Web site this Supporters of Shariah Web site, is  
3 that one of the Web sites you've investigated over the years?  
4 A. Yes.  
5 Q. Have you downloaded the content from that Web site?  
6 A. On several different occasions.  
7 Q. Have you ever seen any newsletters posted to that Web site?  
8 A. Yes.  
9 Q. What was the name of the newsletter that you saw posted to  
10 this Supporters of Shariah Web site?  
11 A. One of the newsletters posted on there, perhaps the main  
12 one, was known as the al jihad newsletter.  
13 MR. BRUCE: May I approach, your Honor.  
14 THE COURT: Yes.  
15 MR. BRUCE: Handing the witness Government Exhibits 70  
16 to 74.  
17 Q. Can you take a look at those please, Mr. Kohlmann. Do you  
18 recognize those documents?  
19 A. Yes, I do.  
20 Q. Can you tell us what they are.  
21 A. These are printed out copies of Al Jihad Magazine. I  
22 believe the exact versions that I recovered, yes.  
23 Q. So these are documents that you actually preserved off the  
24 Internet?  
25 A. That's correct, these are ones that I specifically

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1 downloaded from the SOS Web site.  
2 MR. BRUCE: The government offers Government Exhibits  
3 70 to 74.  
4 MR. DeMARCO: No objection.  
5 THE COURT: Received.  
6 (Government's Exhibits 70-74 received in evidence)  
7 Q. Mr. Kohlmann, just to give the jury an indication of some  
8 of the types of articles in this newsletter, can you turn to  
9 Government Exhibit 73 and read us three or four of the names of  
10 the articles in that news letter.  
11 A. Sure. The top article is titled Jihad in America. Imam  
12 Jamil al-Maim arrested. The next article is titled Jihad in  
13 Chechnya, the Struggle for Shariah. The next article is titled  
14 Ruling By Man-Made Law. A book review.  
15 Q. I want to turn now, Mr. Kohlmann, away from al Qaeda to  
16 talk about two or three other organizations.  
17 First are you familiar with an organization known as  
18 Lashkar-e-Taiba?  
19 A. Yes.  
20 Q. Can you explain for jury that what Lashkar-e-Taiba is?  
21 A. Yes. Lashkar-e-Taiba means Army of the Pure. It was one  
22 of these organizations that began in the late 1980s in  
23 Afghanistan. It was Pakistanis as opposed to Afghans.  
24 Pakistani Islamists that were interested in fighting in the  
25 jihad there. However, in 1989 they saw what was going on in

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1 Kashmir. And they said, look, we're Pakistani, this is exactly  
2 the same cause we've been fighting here. It's just against the  
3 Indians instead of the Soviets. We should be responsible for  
4 this.

5 So Lashkar-e-Taiba switched its focus from Afghanistan  
6 to being Kashmir. Since then, Lashkar has waged a I guess  
7 you'd call it a covert or subterranean war against the Indian  
8 government, both inside of Kashmir, and then in addition to  
9 that, Lashkar has also launched terrorist attacks against  
10 targets inside of India, including the cities of New Delhi and  
11 Mumbai.

12 Q. What is the ultimate goal of the Lashkar-e-Taiba  
13 organization?

14 A. Well, technically Lashkar's goal is it to take over  
15 Kashmir. But according to Lashkar, they insist that's just  
16 phase one. And their real goal is first to destroy India and  
17 to move on to other infidel targets, particularly Israel.

18 Q. Is Lashkar known as an acronym?

19 A. LET.

20 Q. How does LET train its recruits?

21 A. In a very similar style to al Qaeda. Lashkar, much like al  
22 Qaeda, runs training camps. It runs training camps both in  
23 Pakistan, in Pakistani controlled Kashmir, and also, used to be  
24 anyway, in Afghanistan. The camps are open camps, used to be  
25 that almost anyone could get to them. And at the camps

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1 trainees would be given basic calisthenic exercises, they would  
2 be shown how to use automatic weapons, they would be shown  
3 basic urban warfare tactics, basic tactics in the field to  
4 confront Indian forces. Even up to the level of building your  
5 own drone aircraft.

6 Q. Does the group known as Lashkar-e-Taiba have any links or  
7 affiliation with al Qaeda?

8 A. Yes.

9 Q. Can you explain.

10 A. First of all, immediately after the September 11 terrorist  
11 attacks on the United States, within days, Lashkar-e-Taiba  
12 issued numerous statements on behalf of its senior leadership  
13 indicating explicitly that it supported the Taliban and Usama  
14 Bin Laden and al Qaeda. There was no -- there shouldn't be any  
15 confusion about it.

16 But beyond, that Lashkar has also provided al Qaeda  
17 with western recruits. I've interviewed one, and there have  
18 been others. For instance, the Australian kangaroo skinner who  
19 was recently returned to Australia, was recruited by  
20 Lashkar-e-Taiba and was handed over to al Qaeda by Lashkar.

21 Q. The image on this slide, next to the first bullet, can you  
22 explain what that image is.

23 A. Yes. That's a Lashkar propaganda poster that I recovered.  
24 You can actually see at the top left the black and white flag  
25 with the sword on it, that's the official Lashkar flag. Then

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1 directly to the right of the flag you see the official Lashkar  
2 dagger, and the dagger is the decapitating the U.S. capitol  
3 building. And then the American flag is in flames while it is  
4 being trampled by a Lashkar storm trooper. In Urdu it says "We  
5 make a war with America," essentially.

6 Q. I want to turn to the next group listed here. Hezbollah.  
7 Are you familiar with that organization?

8 A. Yes.

9 Q. First of all, where is that group generally located?

10 A. Hezbollah is primarily located in the Bekaa Valley of South  
11 Lebanon.

12 Q. What does that word mean, Hezbollah?

13 A. Hezbollah, it means the party of God.

14 Q. Has Hezbollah ever targeted U.S. interests?

15 A. Yes.

16 Q. Can you explain?

17 A. In 1983, Hezbollah carried out the single most deadly  
18 terrorist attack against United States nationals prior to 9/11.  
19 The bombing of the U.S. Marine barracks in Beirut, Lebanon. It  
20 killed 283 Americans.

21 Q. I want to ask you about a group that's not depicted here.  
22 Tablighi Jamaat. Are you familiar with that organization?

23 A. Yes.

24 Q. Is that strictly speaking a terrorist organization?

25 A. No.

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1 Q. Can you describe what type of organization that is.  
2 A. Tablighi is a missionary organization. An Islamic  
3 missionary organization. Now, it's basically known, it is  
4 majorly known for organizing very, very large religious  
5 conferences in Pakistan where you get thousands and thousands  
6 of people who all come together in order to celebrate their  
7 beliefs.

8 Tablighis in general are non-political. They are  
9 conservative. They have conservative religious beliefs. Their  
10 religious practices are the same as salafis, but they shun  
11 religion. The issue is Tablighi conferences are good places if  
12 you are looking to recruit people for a political cause,  
13 because you have people already who have the right religious  
14 mentality. So you only have to convince them of the political  
15 end. They already know the religious practices, they already  
16 have the same basic religious beliefs. It is the methodology  
17 that's the disagreement.

18 Q. Is the Tablighi Jamaat group ever utilized by terrorist  
19 organizations for any purposes?

20 A. Well number one, try to recruit people. Even more  
21 importantly because of the fact that Tablighis often have these  
22 big conferences in places like Pakistan and you get thousands  
23 of people from all over the world, strange corners of the  
24 world, coming to Pakistan for these meetings, and you've got  
25 thousands people in this area, it's impossible to surveil,

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1 basically it is a great excuse to go to Pakistan, it is a great  
2 way to get lost. And people basically can't track you or find  
3 you. It is a good way to have a meeting with someone. If you  
4 have a meeting with someone in the middle of a Tablighi  
5 conference, nobody is going to know about it. It is not really  
6 conceivable to try to do surveillance inside of a Tablighi  
7 conference.

8 Q. We talked about LET training camps. I want to go back now  
9 to talk about al Qaeda training camps. Prior to September 11,  
10 where and how did al Qaeda train its recruits?

11 A. Well, al Qaeda's primary set of training camps were based  
12 in mostly in Afghanistan. Southern Afghanistan. The idea here  
13 was that in order to get people ready to go, we need to school  
14 them in the arts again. We are dealing with a lot of people  
15 who have never been on a battlefield before. First we need to  
16 get them here and give them basic training.

17 Obviously al Qaeda doesn't call people on the phone.  
18 Like I said, they don't call people out of the phone book.  
19 They wait until people get the idea to go there, to go to the  
20 camps. When people show up in Pakistan looking to become part  
21 of the jihad, looking to become part of al Qaeda, they reach a  
22 guest house.

23 Q. What's a guest house?

24 A. In Arabic, it's madafa, it's a guest house. When you first  
25 get off the plane in a place like Karachi or Islamabad, you

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1 need to go somewhere where they can evaluate whether or not you  
2 would make a good fighter. There are guest houses or hostels  
3 which are run by sympathetic individuals. People that are  
4 connected with the Taliban, but not at a senior level, at a  
5 more junior level. It is their job to take people in, bring in  
6 recruits, to take their passports, to have them fill out a data  
7 form, to take their money, to take their belongings. And the  
8 idea is that you wait there and you hand over all your stuff,  
9 and whenever they are ready to send you on to the next post,  
10 you are either stuffed in a cab or you are put on the back of a  
11 mule or you are put in a car, they drive you over the border  
12 into Afghanistan to another guest house.

13 Once you reach that guest house, you are waiting for a  
14 spot at a training camp. Once a spot at a training camp opens  
15 up, you are sent from the guest house inside Afghanistan to get  
16 training.

17 Q. A few more questions about the guest houses. First, what  
18 is the benefit to al Qaeda of using the guest houses?

19 A. Well, again, al Qaeda isn't able to vet people before they  
20 get to Pakistan for the most part. It is not available to vet  
21 whether or not someone would make a good fighter. Before  
22 anyone reaches a training camp, number one, you want to make  
23 sure it's not a spy. It is not someone from the CIA. Number  
24 two, you want to make sure this guy is not an invalid. He will  
25 be able to run the exercises, he will be able to fire a weapon,

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1 and he has the right ideological commitment.

2 Other thing is that passports are a very, very  
3 important thing here. Number one, by taking away the passport  
4 from someone coming into a guest house, it means that they  
5 can't simply give up and go home. They have to come back  
6 through the guest to get their passport or they are not going  
7 home. Which means it is much more difficult for someone to run  
8 away from the camp and say, oh, this is too difficult, I don't  
9 like this, this is not what I signed up for.

10 Even more importantly than that, not everyone who went  
11 to the guest houses ever came back. Meaning some people went  
12 to the front lines in Afghanistan and died there. Now, if they  
13 had died with their passports on them, those passports would  
14 have been lost. But these passports are a valuable commodity  
15 for al Qaeda. They can be used and reused again for other  
16 people along with whatever cash these people are holding on  
17 them.

18 So the idea is, look, keep your passport here, keep  
19 your money here, keep your belongings here --

20 Q. You say "here"?

21 A. At the guest house. You don't need them in Afghanistan.  
22 They can only hinder you in Afghanistan. And they can be of  
23 great benefit to us if you don't come back. That's exactly  
24 what happens. That's almost the pattern almost exclusively  
25 every single time.

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1 Q. After a potential trainee entered Afghanistan and was  
2 placed at one of the training camps, what type of training  
3 would they receive?  
4 A. Well, it would depend on how they were and what camp they  
5 went to and what the length of the training session was.  
6 Certain camps specialized in certain things. Every camp  
7 basically had the beginner lesson which was running,  
8 calisthenics, AK-47, the basics. Beyond there, particular  
9 camps had instructors that specialized in particular things.  
10 This Egyptian named Abu Mohammed al-Masri. He was an expert in  
11 explosives at the Jihad Wall camp. If you wanted to get really  
12 good explosives training, you might go to Jihad Wall to go  
13 visit Abu Mohammed and learn from him.

14 At the same time there was the Al-Farouq camp which  
15 was in southern Afghanistan, which was al Qaeda's main camp.  
16 It was known as the camp of Sheikh Bin Laden. If you wanted to  
17 get philosophical sessions one on one with Bin Laden, if you  
18 wanted to learn directly from al Qaeda core operatives, that's  
19 a good place to go.

20 It really depended where you wanted to go, yeah.  
21 Q. Generally speaking, what was the range of how long the  
22 training sessions at these camps would last?

23 A. Again, it depended what was being taught. It would range  
24 anywhere from a week to two weeks, all the way up to about 45  
25 days.

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1 Q. How important were these training camps to al Qaeda?  
2 A. Again, it's absolutely essential. It is the same thing  
3 like asking what would happen if al Qaeda didn't have recruits.  
4 If it didn't have camps, there wouldn't be terrorists. There  
5 would be a bunch of people with no training.

6 That's been al Qaeda's biggest problem, is that having  
7 a secure place from which to train people. And it's been one  
8 of the biggest problems al Qaeda has had since 9/11, in that  
9 most of its training camps no longer exist.

10 Q. Are there actual classes and schedules at the training  
11 camps?

12 A. Yes. Yeah. They tried making this into being very much  
13 the University of Jihad. The idea was relatively structured  
14 courses on various different subjects. You wake up at  
15 9 o'clock, do morning prayers, then you go out running, then  
16 you practice on a AK-47, then you have lunch, then you have a  
17 philosophical or ideological session. Then you might have a  
18 discussion about what kind of targets to go after. There might  
19 be an explosives course. Then there is afternoon prayers.

20 It is laid out very carefully. Because the idea is  
21 they want you to study this the same way that you would study  
22 at law school or medical school and achieve that level of  
23 proficiency, if possible.

24 Q. Were there any written materials used at the training  
25 camps?

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1 A. Yes. In addition to some of the recruits writing down  
2 their own notes, in addition, al Qaeda created terrorist  
3 training manuals, with the idea being that, look, you are  
4 probably not going to be able to build a giant bomb at home  
5 with no experience. But, if you've been to a training camp and  
6 you know the basics about doing this, here is a refresher  
7 course. So that just in case you forgot one piece of the  
8 ingredient or one piece of the recipe, you can keep it and  
9 refresh yourself back at home when you are not at the camp.

10 Q. If we could turn now to this slide, Mr. Kohlmann. You  
11 mentioned this camp before, the Al-Farouq training camp?

12 A. Yes.

13 Q. Tell us a little more about the Al-Farouq training camp  
14 was.

15 A. It was actually in two locations. Initially it was near  
16 Khost in Southeastern Afghanistan until 1998 when it was struck  
17 by U.S. Tomahawk missiles, at which point it moved to the  
18 location you see here which is near Kandahar.

19 It was al Qaeda's main training camp. It was known by  
20 trainees unofficially as the Camp of Sheikh Bin Laden, because  
21 of the fact that Bin Laden used to visit the camp on a weekly  
22 basis to give speeches to trainees, in order to pick out people  
23 who he thought were very promising, in order to surveil what  
24 was going on. It was also al Qaeda's largest camp. It was the  
25 longest running camp.

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1 Q. Generally what kinds of things were taught at this camp?  
2 A. This camp specialized in almost everything. Everything  
3 from basic calisthenic exercises, to AK-47s, to explosives,  
4 shoulder fired surface-to-air missile launchers, anti-aircraft  
5 guns, urban warfare, you name it, it they taught it.

6 Q. Are these actual pictures from the Al-Farouq training camp?  
7 A. Yeah, yes, they are.

8 Q. Can you, starting in the top-right-hand corner, can you  
9 briefly go clockwise through these pictures and tell us what  
10 the men are doing in these pictures.

11 A. Sure. The top right image you see there is a class of  
12 recruits at the Al-Farouq camp practicing crawling on the  
13 ground with a weapon in their hands. You can actually see at  
14 the very far right of the image there is an instructor who is  
15 standing up, who is watching over them and shouting advice and  
16 orders to them.

17 At the very bottom right you see the same class of  
18 recruits engaged in calisthenics on the daily run through the  
19 Al-Farouq camp.

20 Immediately to the left, the very bottom middle you  
21 see recruits at the Al-Farouq camp holding up their AK-47s and  
22 cheering and celebrating for the camera.

23 Q. Tell us a little more about the AK-47s. What kind of  
24 weapon is that?

25 A. An AK-47, it is a Kalashnikov. It is probably the most  
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1 common automatic weapon available in the world. It is Russian  
2 built, although the Chinese and Pakistanis and others have  
3 built copies of this. It is very reliable. It's available in  
4 huge supply, particularly in Afghanistan and Pakistan. And it  
5 also has a bit of a panache as being the weapon of insurgents.

6 Q. The bottom-left-hand corner, who is in that photo?

7 A. The bottom-left-hand corner you see the back of an  
8 individual. That is 9/11 hijacker Saeed al-Ghamdi. This is  
9 Mr. al-Ghamdi practicing on a Dishka anti-aircraft weapon at  
10 the Al-Farouq camp.

11 Q. The last photograph on the top left?

12 A. At the very top left, this is again the class of recruits  
13 at the Al-Farouq camp. Here they are marching in order  
14 carrying the flag. Again, the idea that they are trying to  
15 instill some professional skills in the people that are  
16 learning this. This is not just fun and games.

17 Q. The next slide, Tarnak Farms Training Camp. Can you tell  
18 us about that training camp, where it was located?

19 A. Tarnak Farms was located on the outskirts of Kandahar  
20 International Airport in Southern Afghanistan. Tarnak was a  
21 training camp slash a leadership compound. It was a place  
22 where Bin Laden, Dr. Ayman al-Zawahiri and others would gather  
23 for meetings. And they would also use it to train people, and  
24 to groom people for particularly operations.

25 Tarnak is best known actually for having a 10-foot

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1 wall that surround the entire facility. You can actually see  
2 on satellite photos the wall surrounding the buildings, and  
3 also on the stills from the video, that wall in the background.

4 Again, you see the fighters in the bottom they are  
5 doing calisthenics. There's also explosives exercises that  
6 were going on in this video. There was a variety of different  
7 training, very similar to Al-Farouq.

8 Q. The next camp I want to ask you about is the Derunta  
9 Training Complex. Can you tell us about that complex. Again,  
10 first, where it was located?

11 A. Well, Derunta was actual a complex as opposed to a camp.  
12 It was a group of small camps that were all kind of grouped  
13 together in one place. Derunta is a town. It is near a dam  
14 called Derunta Dam in Eastern Afghanistan near the city of  
15 Jalalabad.

16 This was again a complex of small camps run by  
17 particular people. The camps here included a camp run by a guy  
18 named Abu Musab al-Suri, a Syrian. You had Abu Khabab al-Masri  
19 camp, the chem bio guy. You can see his camp was at the bottom  
20 there. There were fighters from both other Afghan factions.  
21 Again, it was a few different people, but the idea is that you  
22 can go there and you can got a few different kinds of training  
23 all on one basic geographic area.

24 Q. The three camps in the last three slides that we saw, do  
25 they still exist today?

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1 A. No.

2 Q. Have there been training camps outside of Afghanistan?

3 A. Yes.

4 Q. Let's start on the left-hand side of this slide. Can you  
5 tell us what -- first of all, where those photographs were  
6 taken?

7 A. Yes. Well, the photographs in this slide period, the  
8 photographs on -- the two photographs in the very far left were  
9 taken in the United Kingdom. The one in the top center was  
10 also in the United Kingdom, near Manchester. The one in the  
11 center bottom is in Ontario province, Canada. And then the top  
12 right and the bottom right images -- correct -- are also both  
13 from Ontario, Canada.

14 Q. Let's start on the left. What's the man who is  
15 photographed in that photo doing?

16 A. He is demonstrating to other would-be trainees at a  
17 makeshift terrorist training camp about how to crouch down with  
18 a weapon so you don't get your face shot off in combat.

19 Q. Where are those photographs taken from?

20 A. They were actually part of a cell phone video. One of the  
21 people who attended this camp recorded this lesson on his cell  
22 phone. The video was later seized by British police. These  
23 are still images from that cell phone video.

24 Q. Did any of the individuals who were present there ever  
25 attempt to travel to jihad?

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1 A. Yes.

2 Q. Can you tell us about that.

3 A. Yes. Several individuals, at least one of the individuals  
4 tried to go to Somalia via Uganda. He was stopped when British  
5 police searched his bag and discovered camouflage gear inside  
6 that was marked with the name soldier of Allah on the back of  
7 it, and it was apparently his intent to go to Somalia and  
8 commit a martyrdom operation.

9 Q. The photos you indicated were from Canada, what were the  
10 members doing in those photographs?

11 A. They were practicing a number of different things. First  
12 of all you see in the bottom middle the same kind of  
13 calisthenic exercises, running through the snow, basic  
14 calisthenics. Top right you see a group of them practicing  
15 with a revolver. And then bottom right is sniper tactics with  
16 a rifle.

17 Q. Did the Canadian authorities investigate the men in that  
18 group?

19 A. Yes, they did.

20 Q. Did that investigation reveal whether any of these men went  
21 on for jihad training elsewhere?

22 A. Yeah. At least two of the individuals involved in this  
23 training camp went for additional training at camps in Pakistan  
24 run by the groups known as Jaish-e-Mohammed and  
25 Lashkar-e-Taiba.

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1 Q. The next slide. Has training similar to this ever been  
2 conducted in the United States?

3 A. Yes.

4 Q. Can you tell us approximately when these photographs were  
5 taken on this slide?

6 A. These photographs were taken in 1989 and 1990 right here in  
7 Long Island.

8 Q. What town?

9 A. Calverton.

10 Q. Can you tell us about the activities that were being  
11 conducted as depicted in those photographs?

12 A. Yes. Arab Afghans, in other words, Arab fighters who had  
13 fought in Afghanistan, decided that they wanted to organize a  
14 makeshift terrorist training course in order to refresh people  
15 who might consider going for jihad in Afghanistan and  
16 eventually Bosnia Herzegovina. In doing so, they gathered  
17 together a group of these individuals and they brought them out  
18 to Calverton to practice firing automatic weapons.

19 The individual in the top right slide you see who is  
20 standing on one leg with crutches, the reason that he's  
21 standing on one leg is because he was badly injured in fighting  
22 in Afghanistan. There is another individual --

23 Q. What is his name?

24 A. Oh, excuse me. His complete name is Rodney Clement  
25 Hampton-El.

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1 Q. How do you know his name?  
2 A. He has been convicted in U.S. federal court I believe. But  
3 he was a very, very well-known American mujahid. An American  
4 convert to Islam, who decided to fight in Afghanistan. Who was  
5 actually quite famous. When he returned injured from the  
6 battlefield he even made the local news here in New York.  
7 Q. The individuals in upper-left-hand corner, do you recognize  
8 any of those individuals?  
9 A. Yes. I believe the individual at very far left in the  
10 color photograph the top left with red hair should be Mahmud  
11 Abu Halima.  
12 Q. How do you recognize him?  
13 A. Because of his red hair it's very distinguishable.  
14 Q. Who is he?  
15 A. Abu Halima is one of the conspirators responsible for the  
16 1993 World Trade Center bombing.  
17 Q. Did any of the men who were training in Long Island ever go  
18 for additional training outside of the United States?  
19 A. Yes. Rodney Clement Hampton-El who you see organizing this  
20 camp here, in 1993, organized an additional series of camps  
21 that began here in the United States, in rural Pennsylvania.  
22 And then moved into a second stage in Bosnia Herzegovina. At  
23 that point, a group of individuals primarily from right here in  
24 New York and New Jersey left the United States and traveled to  
25 Bosnia Herzegovina in order to put on a training camp in

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1 Bosnia. And people who trained at that camp were actually  
2 later interviewed by the Associated Press.  
3 Q. I want to shift gears for a minute, Mr. Kohlmann, and talk  
4 about some of the tools that you use when you do investigations  
5 of computers as we've discussed this morning.

6 First, can you tell us are you familiar with a term  
7 called Internet protocol address?

8 A. Yes.

9 Q. Is there a shorter version of that name?

10 A. Yes. IP.

11 Q. Can you tell us what an Internet protocol or IP address is?

12 A. An IP address is kind of like your phone number on the  
13 Internet. It is a unique number that's assigned to you. And  
14 this is how data knows how to reach your computer, and it's how  
15 other computer knows that the data reaching them is coming from  
16 your computer. It's like your address on the Internet.

17 Q. Can you describe for us what that series of numbers looks  
18 like.

19 A. Yeah. It's, generally speaking, an IP address is comprised  
20 of four banks of numbers one to three digits in length, divided  
21 by periods or decimal points.

22 Q. If you know an IP address, are there ways to look up and  
23 see where that IP address resolves to or is assigned to?

24 A. Yeah, there's two different ways. Number one, you can do a  
25 who is search. In other words, you can search to see who owns

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1 the IP address or who is leasing the IP address.  
2 You can also do what's known as a trace route. Which  
3 literally traces the route that data takes to go from your  
4 computer to wherever the computer that is owned by or is  
5 controlled by this IP address. So tells you physically  
6 geographically where that data is traveling to.  
7 Q. I want to ask you about two Web sites and tell us if you  
8 are a familiar with them. The first is [www.ArIN.net](http://www.ArIN.net).  
9 A. Yes.  
10 Q. What is that?  
11 A. ArIN.net is the Web site of the American Registry of  
12 Internet Numbers. It is for all intents and purposes the AT&T  
13 of IP addresses here inside the United States. If you want to  
14 find out who owns or who leases a particular IP address, in  
15 other words, like a hosting provider, like Time Warner, if you  
16 want to find out does Time Warner own this, you go to ArIN and  
17 ArIN will tell you who owns this IP address.  
18 Q. The second one is [www.ripe.net](http://www.ripe.net).  
19 A. Ripe is Registry of Internet Protocol addresses in Europe.  
20 It is the same thing as ArIN, it just applies to Europe.  
21 Q. Are there also similar databases available on the Internet  
22 for other locations?  
23 A. Yes, there's APnic for Asia Pacific, there is one for  
24 Africa, there is one for South America. Each kind of continent  
25 has its own organization, kind of transnational organization

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1 responsible for administering and keeping the records, the  
2 database of those IP addresses and who they belong to.

3 Q. If you were investigating an IP address and you found out  
4 that it resolved to an Internet service provider outside of the  
5 United States, are there additional steps you would have to  
6 take to try and track that down?

7 A. Well, there is one obvious step that you could take. You  
8 could approach the Internet service provider itself, and you  
9 could ask them to turn over their internal service logs.  
10 Because if you have an IP address, and you have a particular  
11 date and a particular time, what the service provider can do is  
12 look up in their own internal system log and see, okay, we're a  
13 hosting provider, and we were providing access to these  
14 different people at this time and this particular moment, and  
15 at that particular moment this IP address was assigned to this  
16 user, who is this name and this credit card. But unless you go  
17 to the hosting provider, the service provider, that's the only  
18 way to do it.

19 Q. I want to ask you about a different computer technique.  
20 Are you familiar with something called the way back machine?

21 A. Yes.

22 Q. What is that?

23 A. The Internet way back machine, otherwise known as the  
24 Internet archive, which is available at [www.archive.org](http://www.archive.org), is a  
25 Web project that has existed since about 1994 or '95. The idea

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1 behind this project is they take Web sites and they create  
2 archived copies of them. So that in the future, if a Web site  
3 goes offline or just you want to see what a Web site looked  
4 like on a particular date in time, you can actually go into the  
5 way back machine. It's like jumping in a time machine for Web  
6 sites. It can bring you back and you can see Web sites that  
7 are no longer online that are 100 percent different nowadays.  
8 But the point is you can get a peek into what something looked  
9 like on the Internet for a specific time period.

10 Q. Have you used the way back machine in connection with your  
11 work on this case?

12 A. Yes.

13 Q. I want to ask you about yet another technique or term I  
14 should say. Have you heard of something called slack space?

15 A. Yes.

16 Q. Can you tell us what slack space is?

17 A. Yes. When you use a computer or when someone uses a  
18 computer over time, they build up a database of files on the  
19 hard drive, on the storage unit of the computer. After a  
20 while, bits and pieces of this data, you delete them. What  
21 ends up happening is in your hard drive there are little holes  
22 where there used to be data and now it's been deleted. But the  
23 thing is that until those holes are filled with new data, until  
24 your computer decides to put new data in those holes, there are  
25 still bits and pieces of what used to be there, which are still

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1 stored in that empty space, that slack space.  
2 So if you have the right forensic tools, you can  
3 actually go back into a hard drive and you can recover bits and  
4 pieces of files that have been deleted, but which hasn't yet  
5 been overwritten with new data.  
6 Q. When you were giving that answer, you were referring to  
7 files that a user might have actually saved on their computer,  
8 correct?  
9 A. Right, right.  
10 Q. Could you investigate slack space and also find out what  
11 type of Web sites a person was looking at from their slack  
12 space?  
13 A. Yeah. Essentially what happens is that if you use a Web  
14 browser like Internet Explorer or Firefox or Safari, any of  
15 these Web browsers, what these Web browsers do is create a  
16 cache of temporary Internet files on your computer. All the  
17 recent Web sites you visited, the computer automatically  
18 creates a cache of the different sites and whatnot. The  
19 purpose of that being the computer thinks if you are going to  
20 be visiting this site very often, let me keep copies of these  
21 different images so it loads up faster the next time. It's  
22 trying to make it easier for you.

23                   But the thing is that those records, those temporary  
24 files are sometimes left in your hard drive for months, years,  
25 even decades. And what can end up happening is that even if

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941Wkas5

Kohlmann - direct

1 they get complete deleted, if that isn't overwritten with other  
2 data, then still in the slack space you still got bits and  
3 pieces of temporary files that your computer was saving. You  
4 can see bits and pieces of what that person was visiting on the  
5 Internet.

6 Q. You've described it as bits and pieces. Does it always  
7 look like a perfect image like you saw it on the Internet in  
8 the first place?

9 A. No, no. Again, you'll see -- it will be a -- they are very  
10 likely to be a little garbled, you will have a little  
11 gobbledegook here and there. There will be pieces of it which  
12 are clearly readable, clearly legible, and are clearly part of  
13 an original file. It just depends how much of the slack space  
14 has been overwritten versus how much of the slack space is  
15 relatively preserved.

16 THE COURT: I think, Mr. Bruce, the jury has had a  
17 long day. We started at 10 o'clock. I think we've gone far  
18 enough this afternoon.

19 Now, if you could come tomorrow morning at about 10 to  
20 10. Mr. Ryan will be there with a lunch order for you. As I  
21 told you, lunch will be delivered. You will be finished  
22 tomorrow afternoon at 2 o'clock. And you will be finished for  
23 the week tomorrow at 2 o'clock.

24 Thank you very much. Safe home. Don't discuss the  
25 case or come to any conclusions concerning the case. You are

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1 941Wkas5 Kohlmann - direct  
1 excused.  
2 Thank you very much, Mr. Kohlmann. You did speak nice  
3 and slow for the court reporter.  
4 THE WITNESS: Thank you, your Honor.  
5 THE COURT: You are excused.  
6 THE WITNESS: Thank you.  
7 (Jury excused)  
8 (witness excused)  
9 THE COURT: Thank you, gentlemen. Thank you,  
10 marshals.  
11 (At the side bar; discussion off the record)  
12 (Adjourned until May 22, 2009, at 10 a.m.)  
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